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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,324	12/18/2001	Urpo Tuomela	413-010763-US(PAR)	6731
2512	7590	11/14/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			CHO, UN C	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,324

Applicant(s)

TUOMELA ET AL.

Examiner

Un C. Cho

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/19/2005 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 4, the word "means" is preceded by the word(s) "the reminder is arranged so as to function as a terminal in a cellular network" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 3 and 6 – 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Goetz (US 6,314,384 B1).

Regarding claim 1, Goetz discloses a data logging and processing device, reminder (portable unit, Fig. 1, 10), arranged so as to collect, process and indicate information needed by an individual user (Goetz, Col. 4, lines 7 – 43) wherein the reminder comprises a control unit (microprocessor, Fig. 2, 28) equipped with means arranged so as to make context-based decisions to guide the actions of the user of the reminder, said context including non-location information (Goetz, Col. 3, line 66 through Col. 4, line 6 and line 44 through Col. 5, line 8).

Regarding claim 2, Goetz discloses a memory part of which is arranged so as to provide an activity log in the reminder (Goetz, Col. 3, line 66 through Col. 4, line 6).

Regarding claim 3, Goetz discloses an alarm/display part, user interface for the device, and a receiver (Goetz, Col. 3, lines 23 – 41).

Regarding claim 6, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 7, Goetz discloses wherein the monitoring arrangements are arranged so as to communicate their data through a wireless link to the reminder (data from external source is communicated through radio frequency, Goetz, Col. 4, lines 7 – 24).

Regarding claim 8, the claim is interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 9, Goetz discloses wherein the monitoring arrangement used is a task monitoring arrangement (the reminder notifying the user to take the appropriate medications at the scheduled time, Goetz, Col. 4, line 44 through Col. 5, line 8).

Regarding claim 10, Goetz discloses wherein said non-location information comprises the current activity of the user (the reminder notifying the user to take the appropriate medications at the scheduled time, thus, the reminder logs into its memory whether the user had taken the medications or not, Goetz, Col. 4, line 44 through Col. 5, line 8).

Regarding claim 11, the claim is interpreted and rejected for the same reason as set forth in claim 10.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz in view of Hunzinger (US 2002/0086680 A1).

Regarding claim 4, Goetz as applied above does not specifically disclose that the reminder is arranged so as to function as a terminal in a cellular network. In an analogous art, Hunzinger discloses that the mobile terminal (Fig. 1B, 106) is arranged so as to function as a terminal in a cellular network (Hunzinger, Paragraph 0015, lines 2 – 8 and Paragraph 0016, lines 1 – 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Hunzinger to the system of Goetz in order to provide a system that allows users of wireless mobile terminals to set reminders, alerts, or other actions to be triggered based on dynamics for the advantage of maintaining the user informed at proper times.

Regarding claim 5, Goetz in view of Hunzinger as applied above discloses that the cellular network terminal is arranged so as to function as a personal cellular phone (Hunzinger, Paragraph 0018, lines 1 – 9).

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Response to Arguments

9. Applicant's arguments with respect to claims 1 – 11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho
Examiner
Art Unit 2687

11/9/05 *UC*

ELISEO RAMOS-FELICIANO
11/12/05
ELISEO RAMOS-FELICIANO
PATENT EXAMINER